

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHRISTOPHER C. BITTNER and
CAROL BITTNER,

Plaintiffs

v.

FRANK WILLIAMS, THEODORE A.
SAULNIER, in his capacity as CHIEF OF THE
TISBURY POLICE DEPARTMENT, and
THE TOWN OF TISBURY,

Defendants

* C.A. NO. 04-11417-RCL

PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS
AND ANSWERS TO INTERROGATORIES

NOW come the plaintiffs and hereby move this Honorable Court enter orders compelling the production of documents and answers to interrogatories from the defendants and further ordering such sanctions, pursuant to F.R.C.P., Rule 37(b)(2), as the Court may deem appropriate, including an award of attorneys fees for the cost of preparing and presenting this motion.

Plaintiffs state that a Request for Production of Documents, a copy of which is attached hereto, was served on the defendant Town of Tisbury on November 10, 2004. Plaintiff further states that more than thirty (30) days have passed since service of the Request for Production of Documents, and that no answer whatsoever has been filed in response to plaintiff's Request for Production of Documents.


Interrogatories were served on the defendants Frank Williams and Town of Tisbury on November 10, 2004 and no answers to these interrogatories were received.

Plaintiffs' counsel has called defense counsel more than once to remind defendants that answers to interrogatories and responses to requests for documents were due, but answers and responses still have not been provided.

Wherefore, plaintiffs requests that orders enter compelling the production of documents and answers to interrogatories within ten (10) days of the date of the order, and that this Court further order that appropriate sanctions be entered, as determined by the Court pursuant to M.R.C.P., Rule 37(b)(2), should the defendant fail to produce documents within ten (10) days, and further order the plaintiff's attorney's fees for bringing this motion to compel.

Respectfully submitted,
Plaintiff by his counsel,

Date: 6/6/05




Andrew M. Fischer
BB0# 167040
JASON & FISCHER
47 Winter Street
Boston, MA 02108
(617) 423-7904

CERTIFICATE OF SERVICE

I, Andrew M. Fischer, hereby certify that on this date I served a copy of the above document on the defendants by mailing a copy, first class, postage prepaid to Regina M. Ryan, Merrick, Louison & Costello, 67 Batterymarch Street, Boston, MA 02110; and to Joseph L. Tehan Jr. , Kopelman and Paige, PC, 31 Saint James Avenue, 7th Floor, Boston, MA 02116.

Date: 6/6/05



Andrew M. Fischer

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